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DOCKET NO. 9528-005-27

#13/05
325-B**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: STEPHEN W. DOWNING ART UNIT: 3731
SERIAL NO.: 09/881,045 EXAMINER: NGUYEN, VICTOR
FILING DATE: JUNE 15, 2001
FOR: APPARATUSES AND METHODS FOR PERFORMING MINIMALLY
INVASIVE DIAGNOSTIC AND SURGICAL PROCEDURES INSIDE OF A
BEATING HEART

COMMUNICATION TO EXAMINER

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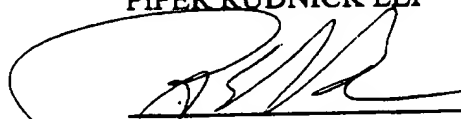
SIR:

As agreed in a teleconference on May 22, 2003 with Examiner Victor Nguyen and undersigned counsel, Applicant hereby vacates the last paper that was filed on May 21, 2003 submitted as a Response to the Restriction Requirement dated April 23, 2003.

Applicant will submit a Response to the Restriction Requirement/Election of Species Requirement within an extension period of the current due date set by the United States Patent and Trademark Office. A Request for Extension of Time for one month is attached hereto and incorporated herein by reference, thereby extending the date for Response from May 23, 2003 to June 23, 2003.

Respectfully submitted,

PIPER RUDNICK LLP


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PATENT/DC

Docket No.: 9528-005-27

By: SBK/PEVO/11b

PIPER RUDNICK No. 303186-23

Serial No.: 09/881,045

In the Matter of the Application of: STEPHEN W. DOWNING

For: APPARATUSES AND METHODS FOR PERFORMING MINIMALLY INVASIVE
DIAGNOSTIC AND SURGICAL PROCEDURES INSIDE OF A BEATING HEART

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ _____ pp. Specification & _____ Claims/Drawings _____ Sheets
- ☐ Combined Declaration, Petition & Power of Atty. (_____ Pages/Executed)
- ☐ Utility Patent Application Transmittal
- ☐ Continued Prosecution Application
- ☐ Request for Continued Examination (RCE)
- ☐ List of Inventors' Names and Addresses
- ☒ Fee Transmittal
- ☒ Check for \$ 55.00 ☐ Dep. Acct. Order Form
- ☐ Assignment _____ pages (executed) ☐ PTO-1595
- ☐ Request for Priority
- ☐ Priority Doc. ()
- ☐ White Advance Serial Number Postcard
- ☐ Preliminary Amendment
- ☐ Letter to Official Draftsman
- ☐ Request for Approval of Proposed Drawing Changes
- ☐ Drawings _____ sheets
- ☒ Letter (Transmittal)
- ☒ Communication to Examiner
- ☒ Request for Extension of Time (1 month)
- ☐ Information Disclosure Statement ☐ PTO-1449
- ☐ List of Related Cases
- ☐ Cited Documents ()
- ☐ _____ Search Report
- ☐ Statement of Relevancy
- ☐ Restriction Response ☐ Election Response
- ☐ Notice of Appeal
- ☐ Appeal Brief
- ☐

DUE DATE: JUNE 23, 2003

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To:	Examiner Victor Nguyen
Company:	U.S. Patent and Trademark Office Group Art Unit: 3731
Phone:	(703) 305-4898
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RE:	U.S. Application Serial No.: 09/881,045 Filed: June 15, 2001 Attorney Docket No.: 9528-005-27
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Comments: VIA HAND CARRY AND FACSIMILE

Dear Examiner Nguyen:

Further to our teleconference May 22, 2003 regarding the above-reference patent application, attached please find a copy of the Communication that was hand-carried today to Group 3731.


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